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OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fifteenth periodic reports of States parties due in 2000

Addendum

JAMAICA*

[13 March 2001]

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*This document contains the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth periodic reports of Jamaica due on 4 July 1986, 1988, 1990, 1992, 1994, 1996, 1998 and 2000 respectively, submitted in one document. For the fifth, sixth and seventh periodic reports of Jamaica, submitted in one document and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/117/Add.4 and CERD/C/SR.741-742.

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CONTENTS

		Paragraphs	Page
I.	GENERAL	1 - 31	3
	A. Land and people	1 - 20	3
	B. General political structure	21 - 26	6
	C. General legal framework within which human rights are protected	27 - 31	7
II.	INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION	32 - 53	8
	D. Information and publicity	52 - 53	11

I. GENERAL

A. Land and people

Location

1. Jamaica is located south of Cuba and west of Haiti. With a total area of 11,244 square kilometres, it is the largest English-speaking island in the West Indies. It enjoys a maritime tropical climate with average temperatures varying according to elevation.

2. The original inhabitants of Jamaica were the Arawaks, who are believed to have originated from South America some 2,500 years ago. With the arrival of the Europeans in the fifteenth century, these inhabitants were subjected to brutality, diseases and slavery and were eliminated over time. They were subsequently replaced by Negro slaves from Africa, brought in by British landowners to work on sugar plantations. With the end of slavery, towards the mid-nineteenth century, ex-slaves sought opportunities outside of the plantations, and East Indians and Chinese were brought in as indentured workers, to replace the Africans.

Socio-economic and cultural indicators of the population

3. The official language of Jamaica is English. There is also a dominant colourful dialect - "patois" - which is spoken and understood by most Jamaicans.

4. Religion, a particularly important aspect of Jamaican life and culture, has been dominated historically by Christianity. Among the most popular of the denominations are the Anglicans, Baptists, Catholics, Methodists, Seventh Day Adventists and the United Church (Presbyterian). Other practising non-Christian religious groups include Jews, Muslims, Hindus and Rastafarians (with its origins in Jamaica).

Ethnic composition

5. The main ethnic groups in Jamaica comprised Negro-Black (90.5 per cent), mixed Negro (7.3 per cent) and East Indians at 1.3 per cent in 1991 (see table 1). The proportions for each of the other racial categories are under 1 per cent. The distribution for the 1970 population census was also quite similar.

Table 1

Distribution of the population by ethnic origin, censuses 1970 and 1991

Race	1970	1991
	in percentage	
Negro/Black	90.0	90.5
East Indian	1.7	1.3
Chinese	0.7	0.2
White	0.7	0.2
Mixed/Negro	5.8	7.3
Syrian/Lebanese	0.0	0.1
Other races	0.1	0.1
Not stated	0.1	0.1
All races	100.0	100.0

Size and distribution

6. At the end of 1999, Jamaica's population was estimated at 2,590,400, up from 2,378,100 in 1990. In 1991, the urban population was estimated at 1,148,200 or 49.6 per cent of the total population (2,314,400). This compared with 41.2 per cent or 747,700 of the total population of 1,812,600 in 1970. The urban population has grown at approximately 2.1 per cent annually between 1970 and 1991, while the rural population has grown only marginally at 0.4 per cent over the same period.

7. The annual rate of growth over the last 10-15 years has been approximately 1.0 per cent. The rate is influenced by the impact of birth, death and migration. The crude birth rate reflected a steady decline to 22 per 1,000 population in 1999 from 25.2 per 1,000 population in 1990. The crude death rate on the other hand fluctuated between 6 and 7 per 1,000 population over the same period. The most noticeable impact on the growth, however, was due to the continuing high levels of emigration. It should be noted that emigration has reduced the rate of national increase by approximately 40-50 per cent since the 1950s.

Gender

8. The sex ratio at birth in Jamaica has been relatively even with approximately 103 males per 100 females and women comprise 50.1 per cent of the estimated population. Higher male mortality and greater female emigration have resulted in distinct sex differences across the broad age groups. Males tend to predominate in the under-15 age group while at higher ages the considerable excess of females is evident (see table 3). Of special note is the preponderance of females over males in the elderly segment (60 years and over).

Composition of heads of household by gender

9. In 1999, approximately 42.5 per cent of households were headed by females (see Survey of Living Conditions (SLC), STATIN/PIOJ, 1999). The proportion for female-headed households has remained virtually unchanged at around 42-43 per cent since 1992 (see SLC reports, 1992-1998).

10. Female-headed households were highest in the Kingston Metropolitan area at 47.5 per cent, followed by other towns with 43.8 per cent and lowest in rural areas with 38.9 per cent.

Age structure

11. Ageing, a concept indicating the effects on the structure of the population resulting from increases in life expectancy and declines in fertility, has now become a major characteristic of the Jamaican population. The 0-15 age group declined to 31.2 per cent of the total population in 1999 from 45.9 per cent in 1970. The number of persons falling within the age group 15-64 years increased to 59.2 per cent from 48.5 per cent over the same period. The elderly segment (60 years or more) increased to 9.6 per cent in 1999 from 8.5 per cent in 1970.

12. An indicator of the ageing of the population can be ascertained from changes in median age. The median age divides the population into two equal segments. In 1999, the median age was calculated at 24.3 years increasing from 16.8 years in 1970. Population projections indicate that the median age will continue to increase.

Fertility

13. The crude birth rate declined to 22 per 1,000 population from approximately 39.1 per 1,000 population in 1970. The total fertility rate which is a more precise measure, reflects a decline to 2.8 children per woman in 1997 from approximately 5.5 children per woman in 1970 (see Reproductive Health Survey, National Family Planning Board, 1997).

Mortality

14. The crude death rate was estimated at 6.7 per 1,000 population in 1999. This rate is considered relatively low and compares quite favourably with levels observed in developed countries. Life expectancy at birth was calculated at 71.3 years (69.97 males and 72.64 females) in 1989/1991. The rate for 1969/1970 was calculated at 68.5 years (66.73 males and 70.18 females). Major gains in life expectancies are not expected in the near future.

15. The infant mortality rate was estimated in 1993 at 24.5 per 1,000 live births (infant mortality survey, MOH/UNICEF, 1993). Estimates based on data from the vital registration system are not considered very reliable due to problems of under-registration. The maternal mortality rate was estimated at 110 per 100,000 live births.

16. Data on the 10 leading causes of death between 1996-1998 indicate that cerebrovascular diseases accounted for 5,900, or 13.5 per cent of all deaths. The proportion among women was 15.7 per cent compared to 11.2 per cent among men. The result was a death rate for women of 86.3 per 100,000 compared to 70.1 per 100,000 men.

Literacy rate

17. The literacy rate in Jamaica was estimated at 75.4 per cent in 1994. The proportion for females was approximately 81.2 per cent compared with 69.2 per cent for males. The illiteracy rate was estimated at 24.6 per cent comprising 18.8 per cent for females and 30.8 per cent for males.

The economy

18. The experience of the Jamaican economy since the early 1970s has been that of little growth, fluctuating at the rates of 0.5, 1.8 and 2.4 per cent in 1995, 1996 and 1997, respectively. Gross domestic product (GDP), which increased in real terms by an annual average of 0.6 per cent between 1990 and 1996, is currently estimated at US$ 2,600.

19. The sluggish performance of the economy may be attributed to both internal and external factors. It has been susceptible to the external shocks of the 1970s oil crisis, the recession in industrialized countries and the fall in prices of aluminium and major agricultural export crops like sugar and bananas. The country also continues to suffer the effects of a high external debt stock, which at the end of 1999 stood at US$ 3.02 billion. A new phenomenon to the economy, restricting its prospects for growth, has been the country's huge internal debt, which at the end of 1999 stood at J$ 175.80 billion.

20. Inflation for three consecutive years to 1999 has been particularly low and 1999 recorded the lowest rate (6.8 per cent) in 17 years. Unemployment, estimated at approximately 16 per cent of the labour force in 1999, is greater among women (60 per cent, compared to men, 52.8 per cent).

B. General political structure

Political history and framework

21. Jamaica gained political independence from Britain in 1962. It is a parliamentary democracy and a member of the Commonwealth of Nations. Since the adoption of universal adult suffrage in 1944, the two dominant political parties - the People's National Party (PNP) and the Jamaica Labour Party (JLP) have alternated in Government. The PNP, led by Mr. P.J. Patterson, currently heads the Government, with the JLP, led by former Prime Minister Edward Seaga in opposition. In 1995 the National Democratic Movement (NDM) was formed and has since become the third major political party in the country. Hopes of gaining parliamentary representation, however, were dashed in 1997 when the NDM contested its first elections, only managing to win 5 per cent of the votes.

Type of government

22. Jamaica is a constitutional monarchy. Its Head of State is Queen Elizabeth II, who is represented in Jamaica by the Governor-General, appointed on the advice of the Prime Minister. The Governor-General's function is mostly ceremonial and it is the Prime Minister who is the Head of Government.

Legislature

23. Jamaica has a bicameral parliament consisting of an upper and a lower house. The upper house - the Senate - consists of 21 appointed members and the lower house - the House of Representatives - has 60 elected members. Of the 21 members of the Senate, 13 are appointed by the Governor-General, acting on the advice of the Prime Minister and eight on the advice of the Leader of the Opposition. The election of the members of the House of Representatives is determined by general elections held every five years (subject to dissolution).

24. There are 60 constituencies, each represented by one Member of Parliament. The Senate functions mainly as a review chamber for legislation passed by the House of Representatives.

The Executive

25. The principal instrument of government policy is the Cabinet. It consists of the Prime Minister and at least 13 other ministers appointed by the Governor-General on the advice of the Prime Minister.

The judiciary

26. Jamaica's legal and judicial system is based on English common law and practice. The administration of justice is carried out by several courts - including the Supreme Court, the Court of Appeal and minor courts. The final court of appeal is the Judicial Committee of the Privy Council in London. Judicial appointments are considered by a Judicial Service Commission, chaired by the Chief Justice and include the President of the Court of Appeal, the Chairman of the Public Service Commission and three others.

C. General legal framework within which human rights are protected

27. The Jamaican Constitution, in particular chapter III, "Fundamental rights and freedoms", provides for the fundamental rights and freedoms of individuals without distinction as to race, place of origin, political opinion, colour, creed or sex and is compatible with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination to which Jamaica became a party in June 1971. Specific protection against discrimination on the grounds of race is provided for under section 24.

28. The rights provided for in chapter III form part of the entrenched, as distinct from the ordinary provisions of the Constitution and can therefore only be amended by a two-thirds majority of both Houses.

29. The legal authority with jurisdiction over human rights protection is essentially the courts. Section 25 of the Constitution provides for redress, in cases of allegations that rights in chapter III of the Convention are contravened, through the Supreme Court and then to the Court of Appeal. There is also a further appeal from the decision of the Court of Appeal to the Judicial Committee of the Privy Council.

30. The Public Defender, a commission of Parliament, established by the Public Defender (Interim) Act, 1999* has responsibility, inter alia, for protecting and enforcing the rights of citizens in Jamaica in circumstances where these rights may have been infringed (please see act attached at annex).

31. Besides steps taken internally, Jamaica has sought to affect a regional standard for the protection of human rights by signing the Charter of Civil Society for Caribbean Community on 19 February 1997. Article 11, in particular, speaks of respect for fundamental human rights and freedoms and provides that "States shall respect the fundamental human rights and freedoms of the individual without distinction as to age, colour, creed, disability, ethnicity, gender, language, place of birth or origin, political opinion, race, religion or social class but subject to respect for the rights and freedoms of others and for the public interest."

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

32. Racial discrimination is illegal in Jamaica and provision against such practice is provided for in sections 13 and 24 of the Constitution and the Common Law.

33. There are no institutional policies or laws in Jamaica that serve to encourage racial discrimination and there are no racial groups in Jamaica for which specific legislation guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms are required. The different racial groups in Jamaica all enjoy equal status and opportunities under the Constitution and laws of Jamaica.

34. With regard to the status of women, there is no occurrence of racial discrimination. Should discrimination occur, it would most likely be based on social and economic status. There exists no evidence that Jamaican women are disadvantaged on the basis of race.

Article 3

35. Jamaica's commitment to the elimination of racial discrimination in all its forms is recognized internationally and its reputation as advocate for ending the formerly practised apartheid system in South Africa is widely acknowledged. Jamaica was one of the first countries to re-establish diplomatic relations with South Africa since the dismantling of the racist regime

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* The annexes are available for consultation in the files of the secretariat.

in 1990. It has also ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid and is a party to the International Convention Against Apartheid in Sports.

36. Jamaica recently participated in the Preparatory Conference for the Americas for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Chile 5-7 December 2000, and will also participate in the World Conference in South Africa in August and September 2001. The Conference will seek to address problems relating to racial discrimination, with a view to their elimination. Jamaica's involvement in these conferences are in keeping with its efforts towards the elimination of racism, racial discrimination, xenophobia and related intolerance, wherever they occur. In particular Jamaica supports the position that slavery and the slave trade should be declared a crime against humanity and that there should be redress through the implementation of compensatory measures for those affected.

Article 4

37. There is no specific legislation in place, which prohibits violence against any race or group of persons. The Jamaican Constitution entrenches and guarantees to every person in Jamaica the fundamental rights and freedoms of the individual irrespective of his race or place of origin. It prescribes judicial processes to be observed in the event of violation of any of these rights whether by States or by a private individual.

Article 5

38. The undertaking to prohibit and eliminate racial discrimination in all its forms is guaranteed in Jamaica under the provisions of the Constitution and the common law. The fundamental rights and freedoms set out in chapter III are guaranteed to every person in Jamaica without distinction to race, colour, national or ethnic origin, political opinion, creed or sex (sect. 13).

39. The Constitution ensures the right to equal treatment before tribunals and all other organs administering justice. Section 20 contains provisions to secure protection by the law in respect of a fair hearing within a reasonable time by an independent and impartial court. Court proceedings are conducted in English. Should there be before the Court a party who does not speak or understand English, the Constitution provides that the person who is charged with offence shall be informed as is reasonably practicable, in a language which he understands, of the nature of the offence charged and shall be permitted to have, without payment, the assistance of an interpreter. There are no comparable provisions as regards civil litigation but this is not held as a bar to comparable assistance. These provisions are applied without distinction as to race, colour, national or ethnic origin.

40. Section 13 of the Constitution also provides the right to security of persons against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution and section 15 provides protection from arbitrary arrests or detention.

41. All ethnic groups are entitled to participate in the electoral process and to vote. The qualifications and disqualifications for election to Parliament are set out in chapter V of the Constitution with particular reference to sections 37 to 40. The criteria for qualifications or disqualifications of voters are set out in the Representation of the Peoples Act, under which electors are persons so registered, aged 18 years and over, who are either Jamaican or Commonwealth citizens resident in Jamaica for a period of at least 12 months. There is no distinction other than that of nationality.

42. Political parties in Jamaica have no special legal status. Any move to ban the formation of political parties would be constrained by article 23 of the Constitution, which accords to persons the right to the enjoyment of the freedom of assembly, including religious worship and association. This is so notwithstanding that laws could derogate from that right in the interest of defence, public safety, order, morality or health or to protect the rights and freedoms of other persons.

43. The civil rights listed in article 5 (d) of the Convention are guaranteed either specifically in the Constitution (such as the right to nationality in section 3, freedom of movement in section 16, freedom of assembly and association in section 23 or in statute and the common law, e.g. the right to marriage and choice of spouse contained in the Marriage Act and Common Law).

44. The provision against discrimination provided for in the Constitution would extend to economic, social and cultural rights listed in article 5 (e). The right to form and join a trade union is guaranteed by section 23 of the Constitution and the Labour Relations and Industrial Disputes Act.

45. The Employment (Equal Pay for Men and Women) Act provides equal pay for men and women doing the same work. With regard to other rights, no restriction is placed on their enjoyment, in particular there is absolutely no restriction of any kind on the right of access of any person to any place or service intended for use by the general public.

Article 6

46. Section 25 of the Constitution provides for the enforcement of measures to ensure the rights guaranteed under chapter III of the Constitution. A person shall not be treated in a discriminatory manner by persons acting by virtue of any public authority. If the offender is a government official, a complaint may be lodged with the Public Defender, who may investigate the complaint and make a recommendation to Parliament.

Article 7

47. The right to education is open to all, irrespective of racial or ethnic origin. Besides the protection offered under the Constitution, the Education Regulations Act of 1980 provides that "no person who is eligible for admission as a student to a public education institution shall be refused admission thereto, except: (a) on the grounds that accommodation is not available in that institution; or (b) on any other grounds, approved by the Minister either generally or in any particular case".

Education and teaching

48. With regard to the curriculum, the principles of human rights are introduced to children through an awareness of the provisions of the Convention on the Rights of the Child at both the primary and secondary levels. In addition curriculum officers across the Caribbean have developed a teachers' manual for the teaching of human rights. In general, the social studies programme in Jamaican schools is designed to promote understanding, tolerance and friendship among nations, people and racial or ethnic groups.

Culture

49. As indicated in Jamaica's previous report, the promotion of understanding, tolerance and friendship among racial or ethnic groups has always been part of the Jamaican culture. The national motto - "Out of many one people" - symbolizes this commitment. Jamaica commemorates the International Day for the Elimination of Racial Discrimination as well as other similar United Nations special observances. A statement by the Prime Minister and/or the Minister for Foreign Affairs is made. Religious bodies are invited to make note of these observances. Educational institutions are asked to hold special meetings to observe the occasions. Private organizations and the mass media are also encouraged to participate in these observances.

50. Music is another channel through which understanding and tolerance for different cultures is promoted. In this regard reggae, which is a popular form of music originated in Jamaica, has gained popularity internationally.

Information

51. The Jamaican media, in particular the press, has been instrumental in bringing an awareness of human rights issues to the public. Particular focus is placed on the subject during the commemoration of Human Rights Day and other similar activities.

D. Information and publicity

52. In Jamaica's recent history, no cases have been brought before the courts with regard to violation of rights through racial discrimination. Information on the various human rights instruments are available at national libraries and other relevant public institutions and are also accessible on the Internet. There is no need for translation as the Convention is readily available in English, the official language of Jamaica.

53. The preparation of this report has involved inputs from various government departments/agencies and in the absence of a specially designated body to do so is completed by the Ministry of Foreign Affairs and Foreign Trade. The final document is presented to the contributors and may also be made available to interested parties.